

**ENTERED**

December 02, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

ELOISE LAVERNE HAYS,  
*Plaintiff,*

v.

FREEDOM FINANCIAL, LLC, ET AL.,  
*Defendants.*

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CIVIL ACTION No. 4:17-cv-0603

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

Having reviewed the Magistrate Judge's Memorandum and Recommendation dated November 10, 2021 and no objections having been filed thereto, the Court is of the opinion that said Memorandum and Recommendation should be adopted by this Court.

It is, therefore, **ORDERED** that the Magistrate Judge's Memorandum and Recommendation (ECF 51) is hereby **ADOPTED** by this Court and the Intervenor's Motion for Summary Judgment (ECF 49) is **GRANTED**.

Accordingly, it is **ORDERED** that Intervenor Bank of New York Melon Trust Company, N.S., as Trustee for Mortgage Assets Management Series Trust (BONYM) is authorized to foreclose its lien on the property located at 3130 Dacca Drive, Houston, Texas in conjunction with all other regularly scheduled non-judicial foreclosure sales on the first Tuesday of the month, in accordance with the provisions of Texas Property Code § 51.002(a). It is further **ORDERED** that BONYM shall file an application for an award of attorneys' fees and a proposed Final Judgment within 14 days of completion of the foreclosure sale.

**SIGNED** at Houston, Texas this 2nd day of December, 2021.



SIM LAKE

SENIOR UNITED STATES DISTRICT JUDGE